

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Fredrick R. Croffer

Case No: 8:08CR439

USM No: 22850-047

Date of Original Judgment: 07/24/2009

Date of Previous Amended Judgment: 12/15/2009

(Use Date of Last Amended Judgment if Any)

David R. Stickman

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:


☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 52 months/time served.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 12/15/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/11/2015

Effective Date: 02/11/2015  
(if different from order date)


Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

Fredrick R. Croffer

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:08CR439

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: <u>25</u>	Amended Total Offense Level: <u>21</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>120</u> to <u>137</u> months	Amended Guideline Range: <u>77</u> to <u>96</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

The Defendant's Motion for Sentence Reduction (Filing No. 262) is granted and the parties' Stipulation (Filing No. 263) is approved.

Pursuant to the 2011 Crack Cocaine Guideline Amendment (utilizing the 2013 United States Sentencing Guideline Manual), Mr. Croffer has a newly calculated range of 77-96 months. His total offense level of 21 takes into account his responsibility for at least 50 grams of crack cocaine, a two level reduction for his minor role, and a three level reduction for acceptance of responsibility. Mr. Croffer previously received a departure (32%) for substantial assistance. Pursuant to Amendment 780 to U.S.S.G. § 1B1.10, he is eligible for a similar reduction from his newly calculated guideline range.

Mr. Croffer's sentence of 82 months is now reduced to 52 months. This reduction is not made pursuant to Amendment No. 782, therefore Mr. Croffer is eligible for immediate release and is not subject to the special instruction at U.S.S.G. 1B1.10(e)(1).